

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RUFUS OLIVER,)
)
 Plaintiff,)
)
)
 v.) Civil Action No. 04-159J
)
)
)
 STATE CORRECTIONAL INSTITUTION) Magistrate Judge Caiazza
 AT HOUTZDALE, et al.,) In Re:
)
)
 Defendants.)

MEMORANDUM ORDER

The Plaintiff's complaint was received by the Clerk of Court on July 13, 2004, and was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's Report and Recommendation, filed on September 23, 2005, recommended that the Defendants' Motion to Dismiss Complaint be granted and that the Plaintiff's Motion for Leave to Amend Complaint and Motion to Compel Production of Documents both be denied. Service was made on the Plaintiff by First Class United States Mail delivered to the State Correctional Institution at Houtzdale, Houtzdale, Pennsylvania where he is incarcerated. No Objections have been filed.

After review of the pleadings and documents in the case, together with the Report and Recommendation, the following ORDER is entered:

AND NOW, this 19th day of October, 2005,

IT IS HEREBY ORDERED that the Defendants' Motion to Dismiss Complaint is granted and the clerk is directed to mark this case closed.

IT IS FURTHER ORDERED that the Plaintiff's Motion for Leave to Amend Complaint and Motion to Compel Production of Documents are both denied.

IT IS FURTHER ORDERED, the Report and Recommendation of Magistrate Judge Caiazza, (Doc. 14), dated September 23, 2005, is adopted as the opinion of the court.

October 19, 2005



Kim R. Gibson
U.S. District Court Judge

Francis X. Caiazza
U.S. Magistrate Judge

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